

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

SECOND SESSION

LEGISLATIVE BILL 1014

Introduced by Ashford, 20.

Read first time January 17, 2008

Committee: Judiciary

A BILL

1 FOR AN ACT relating to courts; to amend sections 24-303, 24-730,
2 24-809.04, 24-1205, 25-1129, 25-1130, 43-1608, 43-1609,
3 43-1610, 43-1611, 43-1612, and 43-1613, Reissue Revised
4 Statutes of Nebraska, sections 24-312, 24-517, 24-1204,
5 24-1206, 25-2704, 25-2733, and 25-2740, Revised Statutes
6 Cumulative Supplement, 2006, and sections 24-301.02,
7 24-503, and 43-2,119, Revised Statutes Supplement,
8 2007; to change and eliminate provisions relating to
9 judgeships, judicial vacancies, judicial hearings, court
10 duties and authority, jurisdiction, retired judges,
11 referees, the Judicial Resources Commission, and appeals;
12 to harmonize provisions; to provide an operative date;
13 to repeal the original sections; and to outright repeal
14 sections 25-1133 and 25-2734, Reissue Revised Statutes of

1 Nebraska.

2 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 24-301.02, Revised Statutes
2 Supplement, 2007, is amended to read:

3 24-301.02 The State of Nebraska shall be divided into the
4 following twelve district court judicial districts:

5 District No. 1 shall contain the counties of Clay,
6 Nuckolls, Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha,
7 Fillmore, and Richardson;

8 District No. 2 shall contain the counties of Sarpy, Cass,
9 and Otoe;

10 District No. 3 shall contain the county of Lancaster;

11 District No. 4 shall contain the county of Douglas;

12 District No. 5 shall contain the counties of Merrick,
13 Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward,
14 and Saunders;

15 District No. 6 shall contain the counties of Dixon,
16 Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

17 District No. 7 shall contain the counties of Knox,
18 Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

19 District No. 8 shall contain the counties of Cherry,
20 Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield,
21 Wheeler, Valley, Greeley, Sherman, and Howard;

22 District No. 9 shall contain the counties of Buffalo and
23 Hall;

24 District No. 10 shall contain the counties of Adams,
25 Phelps, Kearney, Harlan, Franklin, and Webster;

1 District No. 11 shall contain the counties of Hooker,
2 Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson,
3 Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and
4 Furnas; and

5 District No. 12 shall contain the counties of Sioux,
6 Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner,
7 Kimball, Cheyenne, Grant, and Deuel.

8 There shall be at least one district court judgeship in
9 each district court judicial district.

10 ~~In the fourth district there shall be sixteen judges~~
11 ~~of the district court. In the third district there shall be~~
12 ~~seven judges of the district court. In the second, fifth, ninth,~~
13 ~~eleventh, and twelfth districts there shall be four judges of the~~
14 ~~district court. In the first and sixth districts there shall be~~
15 ~~three judges of the district court. In the seventh, eighth, and~~
16 ~~tenth districts there shall be two judges of the district court.~~

17 Sec. 2. Section 24-303, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 24-303 (1) The judges of the district court shall, the
20 last two months in each year, fix the time of holding terms of
21 court in the counties composing their respective districts during
22 the ensuing year, and cause the same to be published throughout
23 the district, if the same can be done without expense. All jury
24 terms of the district court shall be held at the county seat in
25 the courthouse, or other place provided by the county board, but

1 nothing herein contained shall preclude the district court, or a
2 judge thereof, from rendering a judgment or other final order or
3 from directing the entry thereof in any cause, in any county other
4 than where such cause is pending, where the trial or hearing upon
5 which such judgment or other final order is rendered took place in
6 the county in which such cause is pending. Terms of court may be
7 held at the same time in different counties in the same judicial
8 district, by the judge of the district court thereof, if there be
9 more than one, and upon request of the judge or judges of such
10 court, any term in such district may be held by a judge of the
11 district court of any other district of the state. The Supreme
12 Court may order the assignment of judges of the district court to
13 other districts whenever it shall appear that their services are
14 needed to relieve a congested calendar or to adjust judicial case
15 loads, or on account of the disqualification, absence, disability,
16 or death of a judge, or for other adequate cause. When necessary, a
17 term of the district court sitting in any county may be continued
18 into and held during the time fixed for holding such court in any
19 other county within the district, or may be adjourned and held
20 beyond such time.

21 (2) All nonevidentiary hearings, and any evidentiary
22 hearings approved by the district court and by stipulation of all
23 parties that have filed an appearance, may be heard by the court
24 telephonically or by videoconferencing or similar equipment at any
25 location within the judicial district as ordered by the court and

1 in a manner that ensures the preservation of an accurate record.
2 Such hearings shall not include trials before a jury. Hearings
3 conducted in this manner shall be consistent with the public's
4 access to the courts.

5 Sec. 3. Section 24-312, Revised Statutes Cumulative
6 Supplement, 2006, is amended to read:

7 24-312 (1) The district judges may interchange and hold
8 each other's court. Whenever it shall appear by affidavit, to the
9 satisfaction of any district judge in the state, that the judge
10 of any other district is unable to act, on account of sickness,
11 interest, or absence from the district or from any other cause,
12 the judge to whom application may be made shall have power to make
13 any order or do any act relative to any suit, judicial matter, or
14 proceeding or to any special matter arising within the district
15 where such vacancy or disability exists which the judge of such
16 district court could make or do. The order or act shall have the
17 same effect as if made or done by the judge of such district.

18 (2) A district judge may appoint by order a consenting
19 county judge residing in the district to act as a district judge in
20 specific instances on any matter over which the district court has
21 determined that it has jurisdiction over the parties and subject
22 matter, except appeals from the county court. The appointed county
23 judge shall have power to make any order or do any act relative to
24 any suit, judicial matter, or proceeding or to any special matter
25 which the district judge of such district could make or do if (1)

1 all parties have consented to the appointment or (2) no party has
2 objected to the appointment within ten days after service of the
3 order of appointment upon him or her, except that in any ~~matter~~
4 arising under Chapter 42, domestic relations matter as defined in
5 section 25-2740 or Class IV felony case, consent shall not be
6 required and a party shall not have the right to object to the
7 appointment of a county judge to act as a district judge. Any order
8 or act by the county judge after appointment shall have the same
9 effect as if made or done by the district judge of such district. A
10 copy of the order of appointment shall be filed in each action in
11 which a county judge acts as a district judge.

12 (3) In an effort to equalize the caseload, the presiding
13 judges of the district court and county court in each judicial
14 district may assign between the courts cases involving domestic
15 relations matters as defined in section 25-2740 and Class IV felony
16 cases. The presiding judges shall review the caseload of the two
17 benches and create an annual plan on how to assign cases involving
18 domestic relations matters as defined in section 25-2740 and Class
19 IV felony cases. The consent of the parties shall not be required
20 and the cases shall remain filed in the court where they were
21 originally filed. The annual plan on the case assignments shall
22 be sent to the Supreme Court, and, if the presiding judges cannot
23 agree on a plan, the matter shall be forwarded to the Supreme Court
24 for resolution.

25 Sec. 4. Section 24-503, Revised Statutes Supplement,

1 2007, is amended to read:

2 24-503 For the purpose of serving the county courts in
3 each county, twelve county judge districts are hereby created:

4 District No. 1 shall contain the counties of Saline,
5 Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha, and Richardson;

6 District No. 2 shall contain the counties of Sarpy, Cass,
7 and Otoe;

8 District No. 3 shall contain the county of Lancaster;

9 District No. 4 shall contain the county of Douglas;

10 District No. 5 shall contain the counties of Merrick,
11 Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward,
12 and Saunders;

13 District No. 6 shall contain the counties of Dixon,
14 Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

15 District No. 7 shall contain the counties of Knox,
16 Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

17 District No. 8 shall contain the counties of Cherry,
18 Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield,
19 Wheeler, Valley, Greeley, Sherman, and Howard;

20 District No. 9 shall contain the counties of Buffalo and
21 Hall;

22 District No. 10 shall contain the counties of Fillmore,
23 Adams, Clay, Phelps, Kearney, Harlan, Franklin, Webster, and
24 Nuckolls;

25 District No. 11 shall contain the counties of Hooker,

1 Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson,
2 Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and
3 Furnas; and

4 District No. 12 shall contain the counties of Sioux,
5 Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner,
6 Kimball, Cheyenne, Grant, and Deuel.

7 There shall be at least one county court judgeship in
8 each county court judicial district.

9 ~~District 4 shall have twelve county judges. Districts 3~~
10 ~~and 5 shall have six county judges. Districts 11 and 12 shall have~~
11 ~~five county judges. Districts 2, 6, and 9 shall have four county~~
12 ~~judges. Districts 1, 7, 8, and 10 shall have three county judges.~~

13 Judge of the county court shall include any person
14 appointed to the office of county judge or municipal judge prior
15 to July 1, 1985, pursuant to Article V, section 21, of the
16 Constitution of Nebraska.

17 Any person serving as a municipal judge in district 3 or
18 4 immediately prior to July 1, 1985, shall be a judge of the county
19 court and shall be empowered to hear only those cases as provided
20 in section 24-517 which the presiding judge of the county court
21 for such district, with the concurrence of the Supreme Court, shall
22 direct.

23 Sec. 5. Section 24-517, Revised Statutes Cumulative
24 Supplement, 2006, is amended to read:

25 24-517 Each county court shall have the following

1 jurisdiction:

2 (1) Exclusive original jurisdiction of all matters
3 relating to decedents' estates, including the probate of wills and
4 the construction thereof, except as provided in subsection (c) of
5 section 30-2464 and section 30-2486;

6 (2) Exclusive original jurisdiction in all matters
7 relating to the guardianship of a person, except if a separate
8 juvenile court already has jurisdiction over a child in need of
9 a guardian, concurrent original jurisdiction with the separate
10 juvenile court in such guardianship;

11 (3) Exclusive original jurisdiction of all matters
12 relating to conservatorship of any person, including (a) original
13 jurisdiction to consent to and authorize a voluntary selection,
14 partition, and setoff of a ward's interest in real estate owned
15 in common with others and to exercise any right of the ward in
16 connection therewith which the ward could exercise if competent and
17 (b) original jurisdiction to license the sale of such real estate
18 for cash or on such terms of credit as shall seem best calculated
19 to produce the highest price subject only to the requirements set
20 forth in section 30-3201;

21 (4) Concurrent jurisdiction with the district court to
22 involuntarily partition a ward's interest in real estate owned in
23 common with others;

24 (5) Concurrent original jurisdiction with the district
25 court in all civil actions of any type when the amount in

1 controversy is forty-five thousand dollars or less through June 30,
2 2005, and as set by the Supreme Court pursuant to subdivision (b)
3 of this subdivision on and after July 1, 2005.

4 (a) When the pleadings or discovery proceedings in a
5 civil action indicate that the amount in controversy is greater
6 than the jurisdictional amount of subdivision (5) of this section,
7 the county court shall, upon the request of any party, certify
8 the proceedings to the district court as provided in section
9 25-2706. An award of the county court which is greater than the
10 jurisdictional amount of subdivision (5) of this section is not
11 void or unenforceable because it is greater than such amount,
12 however, if an award of the county court is greater than the
13 jurisdictional amount, the county court shall tax as additional
14 costs the difference between the filing fee in district court and
15 the filing fee in county court.

16 (b) The Supreme Court shall adjust the jurisdictional
17 amount for the county court every fifth year commencing July
18 1, 2005. The adjusted jurisdictional amount shall be equal to
19 the then current jurisdictional amount adjusted by the average
20 percentage change in the unadjusted Consumer Price Index for
21 All Urban Consumers published by the Federal Bureau of Labor
22 Statistics for the five-year period preceding the adjustment
23 date. The jurisdictional amount shall be rounded to the nearest
24 one-thousand-dollar amount;

25 (6) Concurrent original jurisdiction with the district

1 court in any criminal matter classified as a misdemeanor or for
2 any infraction. The district court shall have exclusive original
3 jurisdiction in any criminal matter classified as a misdemeanor
4 that arises from the same incident as a charged felony;

5 (7) Concurrent original jurisdiction with the district
6 court in domestic relations matters as defined in section 25-2740
7 and with the district court and separate juvenile court in
8 paternity determinations as provided in section 25-2740;

9 (8) Concurrent original jurisdiction with the district
10 court in matters arising under the Nebraska Uniform Trust Code;

11 (9) Exclusive original jurisdiction in any action based
12 on violation of a city or village ordinance;

13 (10) Exclusive original jurisdiction in juvenile matters
14 in counties which have not established separate juvenile courts;

15 (11) Exclusive original jurisdiction in matters of
16 adoption, except if a separate juvenile court already has
17 jurisdiction over the child to be adopted, concurrent original
18 jurisdiction with the separate juvenile court; and

19 (12) All other jurisdiction heretofore provided and not
20 specifically repealed by Laws 1972, Legislative Bill 1032, and such
21 other jurisdiction as hereafter provided by law.

22 Sec. 6. Section 24-730, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 24-730 A retired judge holding court pursuant to sections
25 24-729 to 24-733 shall receive, in addition to his or her

1 retirement benefits, for each day of temporary duty an amount
 2 established by the Supreme Court. ~~Such amount, when taken together~~
 3 ~~with one-twentieth of the judge's monthly retirement benefit, shall~~
 4 ~~not exceed one-twentieth of the monthly salary he or she would~~
 5 ~~receive if he or she were an active judge of that court.~~

6 Sec. 7. Section 24-809.04, Reissue Revised Statutes of
 7 Nebraska, is amended to read:

8 24-809.04 For purposes of sections 24-809.05 and 24-810,
 9 the date of a final determination of a district, county, or
 10 separate juvenile court judicial vacancy shall be:

11 (1) The date a judicial vacancy is determined by the
 12 ~~Judicial Resources Commission~~ pursuant to section 24-1204; ~~or~~
 13 ~~24-1206, or~~

14 (2) If a determination is made by the ~~commission~~ that a
 15 move of a judgeship from one district to another or between county
 16 and district court, a new judgeship, or a change in number of
 17 judicial districts or boundaries is appropriate Supreme Court to
 18 implement a recommendation pursuant to section 24-1204 ~~or~~ 24-1205,
 19 the date the Governor approves legislation or the Legislature
 20 overrides a veto of legislation implementing such recommendation.
 21 ~~creating or moving a judicial vacancy.~~

22 Sec. 8. The total number of district, county, and
 23 separate juvenile judges in the state shall be one hundred
 24 twenty-five. Judges in office on the effective date of this
 25 act shall continue to serve in the districts they are serving on

1 such date. On or after such date any judicial vacancy shall be
2 determined as provided in section 24-1204.

3 Sec. 9. Section 24-1204, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 24-1204 (1) In the event of the death, retirement,
6 resignation, or removal of a district, county, or separate juvenile
7 judge or the failure of a district, county, or separate juvenile
8 judge to be retained in office or upon the request of a majority
9 of the members of the Judicial Resources Commission, the commission
10 shall, after holding a public hearing, determine whether a judicial
11 vacancy exists in the affected district or ~~any other~~ in another
12 judicial district and whether the vacancy should become a different
13 type of judgeship. ~~or whether a new judgeship or change in~~
14 ~~number of judicial districts or boundaries is appropriate.~~ If the
15 commission determines a vacancy exists in a district or county
16 court district, the commission may also make a recommendation to
17 the Supreme Court of the site for a primary office location. The
18 public hearing may include videoconferencing, or if the judicial
19 workload statistics compiled pursuant to section 24-1007 indicate
20 a need for a number of judges equal to or greater than the number
21 currently authorized by law, servicing in the affected judicial
22 district, the commission may conduct a hearing by telephone
23 conference. If a telephone conference is used, a recording shall be
24 made of the telephone conference and maintained by the commission
25 for at least one year and the telephone conference shall conform to

1 the requirements of subsection (2) of section 84-1411. ~~7~~ and the
2 commission shall only determine whether a judicial vacancy exists
3 in the affected district and make no other determinations.

4 (2) (a) If the commission determines that a judicial
5 vacancy exists in the district where the judgeship was vacated and
6 the vacancy should be the same type of judgeship that was vacated,
7 the commission shall notify the Clerk of the Supreme Court that the
8 vacancy is in the judicial district where the judgeship was vacated
9 and shall be the same type of judgeship as was vacated. The clerk
10 shall proceed pursuant to section 24-810.

11 (b) If the commission determines that a judicial vacancy
12 exists in another judicial district or that the vacancy should
13 become a different type of judgeship than the vacated judgeship,
14 the commission shall report such recommendation to the Supreme
15 Court.

16 (c) If the commission determines that a vacancy exists in
17 a district or county court district, the commission may also make
18 a recommendation to the Supreme Court of the site for a primary
19 office location.

20 (3) Within ninety days after receiving a recommendation
21 from the Judicial Resources Commission pursuant to subdivision
22 (2) (b) of this section, the Supreme Court, by a majority vote,
23 shall determine the location and type of the judicial vacancy. The
24 Supreme Court shall then notify the Clerk of the Supreme Court
25 (a) that the vacancy is in the same judicial district where the

1 judgeship was vacated or is in another judicial district and (b)
2 what type of judgeship the vacancy shall be. The clerk shall
3 proceed pursuant to section 24-810. The determination shall be
4 based on the recommendation of the Judicial Resources Commission
5 and the factors listed in section 24-1206.

6 Sec. 10. Section 24-1205, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 24-1205 (1) By ~~December~~ November 15, 1995, and of each
9 year, thereafter, the Judicial Resources Commission shall hold
10 a hearing to determine whether ~~(1)~~ to recommend that a new
11 judgeship is appropriate in any judicial district, ~~or~~ a reduction
12 in judgeships is appropriate in any judicial district, ~~or~~ ~~(2)~~ the
13 judicial district boundaries or the number of judicial districts
14 should be changed for the district or county courts. The commission
15 shall also examine current caseload statistics and make any
16 appropriate recommendations for the more balanced use of existing
17 judicial resources. The State Court Administrator shall provide
18 adequate administrative support and information as requested by the
19 commission. A report of this hearing and any recommendations shall
20 be filed by the commission with the Legislature, the Governor, and
21 the Supreme Court on or before December 31 of each year.

22 (2) The Supreme Court shall determine whether or not to
23 implement any recommendations for change reported by the commission
24 pursuant to subsection (1) of this section based upon the
25 recommendation of the commission and the factors listed in section

1 24-1206. The Supreme Court shall recommend to the Legislature any
2 legislative changes needed to implement its determination.

3 Sec. 11. Section 24-1206, Revised Statutes Cumulative
4 Supplement, 2006, is amended to read:

5 24-1206 The Judicial Resources Commission's
6 determinations and recommendations and the Supreme Court's
7 determinations pursuant to section 24-1204 or 24-1205 determination
8 of whether a judicial vacancy exists or a new judgeship, a
9 reduction in judgeships, a change in number of judicial districts
10 or boundaries, or the reallocation of a judgeship from a district,
11 county, or separate juvenile court in one judicial district
12 to a district, county, or separate juvenile court in another
13 judicial district is appropriate pursuant to section 24-1204 or
14 24-1205 shall be based upon (1) its analysis of judicial workload
15 statistics compiled pursuant to section 24-1007, (2) whether
16 litigants in the judicial district have adequate access to the
17 courts, (3) the population of the judicial district, (4) other
18 judicial duties and travel time involved within the judicial
19 district, and (5) other factors determined by the Supreme Court to
20 be necessary to assure efficiency and maximum service. The State
21 Court Administrator shall provide adequate administrative support
22 and information as requested. by the commission.

23 After making a determination, the commission shall report
24 the results to the Legislature and recommend any legislative
25 changes which are needed. If no changes in existing law are needed

1 and none are recommended by the commission, no legislative action
2 shall be necessary to fill any judicial vacancy determined to
3 exist. The Legislature shall not create a new judgeship unless
4 the commission recommends the creation of a new judgeship in its
5 report. If legislative action is required but none is taken in the
6 first legislative session commencing after receipt of the report
7 by the Legislature, the commission shall hold another hearing on
8 the matter and shall determine whether a judicial vacancy exists
9 or again recommend legislative changes to the Legislature in its
10 report.

11 Sec. 12. Section 25-1129, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 25-1129 All or any of the issues in the action, whether
14 of fact or law, or both, may be referred, to a referee upon the
15 written consent of the parties, or upon their oral consent in court
16 entered upon the journal.

17 Sec. 13. Section 25-1130, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 25-1130 When the parties do not consent, the court
20 may, upon application of either, or of its own motion, direct a
21 reference ~~(1) where the trial of an issue of fact shall require~~
22 ~~the examination of mutual accounts, or where the account is on one~~
23 ~~side only, and it shall be made to appear to the court that it is~~
24 ~~necessary that the party on the other side should be examined as~~
25 ~~a witness to prove the account, in which cases the referees may~~

1 be directed to hear and report upon the whole issue, or upon any
2 specific question of fact involved therein; (2) where the taking
3 of an account shall be necessary for the information of the court
4 before a judgment, in cases which may be determined by the court
5 or for carrying a judgment into effect; or (3) where a question
6 of fact, other than upon the pleadings, shall arise upon motion or
7 otherwise, in any state of an action. in any equity matter to a
8 referee appointed by the court. The court shall direct a reference
9 to a referee only when caseload and time constraints require such
10 reference, and a referee shall not be appointed to conduct any
11 hearing involving an issue of law and not equity that could result
12 in the exercise of the right to a trial before a jury.

13 Sec. 14. Section 25-2704, Revised Statutes Cumulative
14 Supplement, 2006, is amended to read:

15 25-2704 (1) In any civil action in county court, the
16 summons, pleadings, and time for filings shall be the same as
17 provided for civil actions in district court. A case shall stand
18 for trial at the earliest available time on the court docket
19 after the issues therein are or, according to the times fixed for
20 pleading, should have been made up.

21 (2) All nonevidentiary hearings, and any evidentiary
22 hearings approved by the county court and by stipulation of all
23 parties that have filed an appearance, may be heard by the court
24 telephonically or by videoconferencing or similar equipment at any
25 location within the judicial district as ordered by the court and

1 in a manner that ensures the preservation of an accurate record.
2 Such hearings shall not include trials before a jury. Conducting
3 hearings in this manner shall be consistent with the public's
4 access to the courts.

5 Sec. 15. Section 25-2733, Revised Statutes Cumulative
6 Supplement, 2006, is amended to read:

7 25-2733 (1) In all cases ~~other than appeals from the~~
8 ~~Small Claims Court,~~ the district court shall review the case
9 for error appearing on the record made in the county court. The
10 district court shall render a judgment which may affirm, affirm but
11 modify, or reverse the judgment or final order of the county court.
12 If the district court reverses, it may enter judgment in accordance
13 with its findings or remand the case to the county court for
14 further proceedings consistent with the judgment of the district
15 court. Within two judicial days after the decision of the district
16 court becomes final, the clerk of the district court shall issue a
17 mandate in appeals from the county court and transmit the mandate
18 in appeals to the clerk of the county court on the form prescribed
19 by the Supreme Court together with a copy of such decision.

20 (2) ~~The bill of exceptions, if filed with the clerk at~~
21 ~~or before the hearing, shall be considered admitted in evidence~~
22 ~~on the hearing of the appeal unless the court on objection by a~~
23 ~~party excludes all or part of it.~~ The ordering, preparing, signing,
24 filing, correcting, and amending of the bill of exceptions shall be
25 governed by the rules of practice prescribed by the Supreme Court.

1 (3) The judgment of the district court shall vacate the
2 judgment in the county court. The taxation of costs in the district
3 court shall include the costs in the county court. If a judgment
4 of the county court is affirmed or affirmed but modified, interest
5 on the amount of the judgment in the district court that does not
6 exceed the amount of the judgment in the county court shall run
7 from the date of entry of the judgment appealed from the county
8 court.

9 Sec. 16. Section 25-2740, Revised Statutes Cumulative
10 Supplement, 2006, is amended to read:

11 25-2740 (1) For purposes of this section:

12 (a) Domestic relations matters means proceedings under
13 sections 28-311.09 and 28-311.10 (including harassment protection
14 orders and valid foreign harassment protection orders), the
15 Conciliation Court Law and sections 42-347 to 42-381 (including
16 dissolution, separation, annulment, custody, and support), section
17 43-512.04 (including child support or medical support), section
18 42-924 (including domestic protection orders), sections 43-1401 to
19 43-1418 (including paternity determinations and parental support),
20 and sections 43-1801 to 43-1803 (including grandparent visitation);
21 and

22 (b) Paternity determinations means proceedings to
23 establish the paternity of a child under sections 43-1411 to
24 43-1418.

25 (2) Except as provided in subsection ~~(4)~~ (3) of this

1 section, in domestic relations matters, a party shall file his or
2 her petition or complaint and all other court filings with the
3 clerk of the district court. The party shall state in the petition
4 or complaint whether such party requests that the proceeding be
5 heard by a county court judge or by a district court judge. If
6 the party requests the case be heard by a county court judge, the
7 county court judge assigned to hear cases in the county in which
8 the matter is filed at the time of the hearing is deemed appointed
9 by the district court and the consent of the county court judge
10 is not required. Such proceeding is considered a district court
11 proceeding, even if heard by a county court judge, and an order or
12 judgment of the county court in a domestic relations matter has the
13 force and effect of a district court judgment. The testimony in a
14 domestic relations matter heard before a county court judge shall
15 be preserved as provided in section 25-2732.

16 ~~(3) Until January 1, 2000, upon motion of a party in a~~
17 ~~contested action brought under subsection (2) of this section, the~~
18 ~~proceeding shall be transferred from a county court judge to a~~
19 ~~district court judge.~~

20 ~~(4)~~ (3) In addition to the jurisdiction provided for
21 paternity determinations under subsection (2) of this section,
22 a county court or separate juvenile court which already has
23 jurisdiction over the child whose paternity is to be determined has
24 jurisdiction over such paternity determination.

25 Sec. 17. There shall be no oral argument in an appeal to

1 the district court in any criminal case where the sole allegation
2 of error is that the sentence imposed was excessive or excessively
3 lenient or the trial court refused to reduce the sentence upon
4 application of the defendant.

5 Sec. 18. Section 43-2,119, Revised Statutes Supplement,
6 2007, is amended to read:

7 43-2,119 ~~(1)~~ The number of judges of the separate
8 juvenile court in counties which have established a separate
9 juvenile court shall be:

10 ~~(a) Two judges in counties having seventy-five thousand~~
11 ~~inhabitants but less than two hundred thousand inhabitants;~~

12 ~~(b) Four judges in counties having at least two~~
13 ~~hundred thousand inhabitants but less than four hundred thousand~~
14 ~~inhabitants; and~~

15 ~~(c) Five judges in counties having four hundred thousand~~
16 ~~inhabitants or more.~~

17 ~~(2)~~ The senior judge in point of service as a juvenile
18 court judge shall be the presiding judge. The judges shall rotate
19 the office of presiding judge every three years unless the judges
20 agree to another system.

21 Sec. 19. Section 43-1608, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 43-1608 The Legislature finds that matters relating to
24 the establishment, modification, and enforcement of child, spousal,
25 or medical support should be handled by the district courts,

1 separate juvenile courts, and county courts in an expeditious
2 manner so that parties may obtain needed orders and other action as
3 quickly as possible.

4 Sec. 20. Section 43-1609, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 43-1609 (1) ~~The Supreme Court shall direct the district~~
7 ~~courts to appoint one or more child~~ Child support referees if
8 the Supreme Court determines that child support referees are
9 necessary in order for shall be appointed when necessary by the
10 district courts, separate juvenile courts, and county courts to
11 meet the requirements of federal law relating to expediting the
12 establishment, modification, enforcement, and collection of child,
13 spousal, or medical support.

14 (2) Child support referees shall be appointed by order of
15 the district court, separate juvenile court, or county court. ~~if it~~
16 ~~is determined by the Supreme Court that a child support referee is~~
17 ~~necessary.~~ The Supreme Court shall appoint child support referees
18 to serve more than one judicial district if the Supreme Court
19 determines it is necessary.

20 (3) To be qualified for appointment as a child support
21 referee, a person shall be an attorney in good standing admitted
22 to the practice of law in the State of Nebraska and shall meet any
23 other requirements imposed by the Supreme Court. A child support
24 referee shall be sworn or affirmed to well and faithfully hear and
25 examine the cause and to make a just and true report according to

1 the best of his or her understanding. The oath or affirmation may
2 be administered by a district, county, or separate juvenile court
3 judge. A child support referee may be removed at any time by the
4 appointing court.

5 (4) The Supreme Court may contract with an attorney to
6 perform the duties of a referee for a specific case or for a
7 specific amount of time or may direct a judge of the county court
8 to perform such duties.

9 Sec. 21. Section 43-1610, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 43-1610 Salaries, offices, support staff, equipment,
12 furnishings, and supplies for a child support referee shall be
13 provided by the county and state through funds appropriated by the
14 county and state to the district court, separate juvenile court,
15 and county court. If the Supreme Court ~~determines that~~ appoints
16 a referee ~~shall be appointed~~ to serve in more than one judicial
17 district pursuant to section 43-1609, the salary and necessary
18 travel expenses of the referee shall be paid by funds appropriated
19 by the state to the Supreme Court.

20 Sec. 22. Section 43-1611, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 43-1611 A district court, separate juvenile court, or
23 county court may by rule or order refer or assign any and all
24 matters regarding the establishment, modification, enforcement,
25 and collection of child, spousal, or medical support and

1 paternity matters to a child support referee for findings and
2 recommendations.

3 Sec. 23. Section 43-1612, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 43-1612 (1) A hearing before a child support referee
6 shall be conducted in the same manner as a hearing before
7 the district court, separate juvenile court, or county court.
8 A child support referee shall have the power to summon and
9 enforce the attendance of parties and witnesses, administer all
10 necessary oaths, supervise pretrial preparation pursuant to the
11 rules of discovery adopted pursuant to section 25-1273.01, grant
12 continuations and adjournments, recommend the appointment of
13 counsel for indigent parties, and carry out any other duties
14 permitted by law and assigned by the district court, separate
15 juvenile court, or county court.

16 (2) Testimony in matters heard by a child support referee
17 shall be preserved by tape recording or other prescribed measures
18 and in accordance with prescribed standards. Transcripts of all
19 hearings shall be available upon request and all costs of preparing
20 the transcript shall be paid by the party for whom it is prepared.

21 (3) A child support referee shall, in all cases, announce
22 orally his or her findings and recommendations to the parties or
23 their attorneys and submit a written report to the district court,
24 separate juvenile court, or county court containing findings of
25 fact and recommendations and any and all exceptions.

1 Sec. 24. Section 43-1613, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-1613 In any and all cases referred to a child support
4 referee by the district court, separate juvenile court, or county
5 court the parties shall have the right to take exceptions to
6 the findings and recommendations made by the referee and to
7 have a further hearing before ~~the district~~ such court for final
8 disposition. The ~~district~~ court upon receipt of the findings,
9 recommendations, and exceptions shall review the child support
10 referee's report and may accept or reject all or any part of
11 the report and enter judgment based on the ~~district~~ court's own
12 determination.

13 Sec. 25. The Revisor of Statutes shall assign section 17
14 of this act to Chapter 29, article 23.

15 Sec. 26. This act becomes operative on January 1, 2009.

16 Sec. 27. Original sections 24-303, 24-730, 24-809.04,
17 24-1205, 25-1129, 25-1130, 43-1608, 43-1609, 43-1610, 43-1611,
18 43-1612, and 43-1613, Reissue Revised Statutes of Nebraska,
19 sections 24-312, 24-517, 24-1204, 24-1206, 25-2704, 25-2733, and
20 25-2740, Revised Statutes Cumulative Supplement, 2006, and sections
21 24-301.02, 24-503, and 43-2,119, Revised Statutes Supplement, 2007,
22 are repealed.

23 Sec. 28. The following sections are outright repealed:
24 Sections 25-1133 and 25-2734, Reissue Revised Statutes of Nebraska.